IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24883 of 2004

Between:

S.Srinivasa Rao, S/o. Rangaiah, Hindu,

Aged 27 years, Occ: Lecturer in Maths
Govt. Jr. College, Mudigonda, Khammam District.

..... PETITIONER

AND

1 The Government Junior College, Mudigonda, Khammam District,

Rep by its Principal.
2 The Director of Intermediate Education, Government of A.P.

Nampalli, Hyderabad.
3 The Government of A.P. Rep by its Secretary,

Department of Higher Education, Secretariat, Hyderabad.
4 The Regional Joint Director, Intermediate Education, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not continue the petitioner as Maths Lecturer as per the agreement made between the petitioner and Respondents as illegal, arbitrary and in violation of principles of National Justice and consequently direct the Respondents to continue the petitioner as Maths Lecture till the end of agreement period i.e. 28-2-2005 and pass such other order or orders

Counsel for the Petitioner: MR.S.ABHAYA KUMAR SAGAR

Counsel for the Respondents: GP FOR HIGHER EDUCATION

The Court at the stage of admissionmade the following:

ORDER:

For not continuing the petitioner as Maths Lecturer as per the agreement made between the petitioner and respondents, the present writ petition is filed.

The learned counsel or the petitioners contended that for the posts of junior lecturers though under a regulation is made, those proceedings were kept in abeyance by the Regional Joint Director of Intermediate Education, Warangal. The learned Government pleader opposed the same.

The facts are not in dispute. The petitioner was appointed by the 2nd respondent vide proceedings No.Rc.RD Ser.112/2138/2003, dated 06.10.2004 on contract basis. The validity of the contract period is up to 28.02.2005, and since then the writ petitioner has been discharging his duties. Contrary to the terms of the contract of agreement, the writ petitioner was orally instructed not to attend the classes from 27.12.2004. The act of the respondents in terminating the services of the petitioner orally is contrary to the terms of contract of agreement, which was in force till 28.02.2005.

Therefore, the writ petition is allowed directing the respondents to continue the petitioner as per agreement till 28.02.2005. No order as to costs.

_____

30.12.2004

Note:

Issue operative portion

By wire at party's costs

B/o.

Dsr

To:

1. The Principal,

The Government Junior College,

Mudigonda, Khammam District

2. The Director of Intermediate Education,

Government of Andhra Pradesh,

Nampalli, Hyderabad

3. The Secretary,

Department of Higher Education,

Government of Andhra Pradesh,

Secretariat, Hyderabad

4. The Regional Joint Director,

Intermediate Education, Warangal

5. Two CCs to the Government Pleader

for Higher Education, High Court Buildings,

Hyderabad

6. Two CD copies.